



ICO consultation on the draft updated data sharing code of practice

Q1 Does the updated code adequately explain and advise on the new aspects of data protection legislation which are relevant to data sharing?

☒ Yes

☐ No

Q2 If not, please specify where improvements could be made.

Q3 Does the draft code cover the right issues about data sharing?

☐ Yes

☒ No

Q4 If no, what other issues would you like to be covered in it?
Need more clarity on issues of data sharing with other companies such as social media companies or credit reference agencies. This is explained further into this feedback form.

Q5 Does the draft code contain the right level of detail?

☒ Yes

☐ No

Q6 If no, in what areas should there be more detail within the draft code?

Q7 Has the draft code sufficiently addressed new areas or developments in data protection that are having an impact on your organisation's data sharing practices?

☒ Yes

☐ No

Q8 If no, please specify what areas are not being addressed, or not being addressed in enough detail.

Q9 Does the draft code provide enough clarity on good practice in data sharing?

☐

Yes

☒

No

Q10 If no, please indicate the section(s) of the draft code which could be improved, and what can be done to make the section(s) clearer.

A particular example would be in relation to data sharing with customer lists and databases. The obligations upon the controller are very specific and could be problematic, particularly when data sharing with credit reference agencies. The guidance is not very clear specifically around how the source of data should be confirmed. Should each controller specifically request confirmation from the other controller the source of the data, or would it be sufficient for one controller to receive confirmation from the other controller that they know the source of the data, especially as each controller will have their own obligations under the legislation?

Q11 Does the draft code strike the right balance between recognising the benefits of sharing data and the need to protect it?

☐

Yes

☒

No

Q12 If no, in what way does the draft code fail to strike this balance?
As explained in Q10.

Q13 Does the draft code cover case studies or data sharing scenarios relevant to your organisation?

☐

Yes

☒

No

Q14 Please provide any further comments or suggestions you may have about the draft code.

would like to see case studies which are more commercial related rather than health or children related? For example, social media companies, credit reference agencies? The case studies in Annex D of the draft Code does have one study relating to CRAs, but this is more to do with transparency rather than data sharing with the CRAs. More clarity around what the consequences are if a data sharing agreement is not in place; what would a controller need to do in order to comply with the accountability principle?

Q15 To what extent do you agree that the draft code is clear and easy to understand?

- ☐ Strongly agree
- ☒ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

Q16 Are you answering as:

- ☐ An individual acting in a private capacity (e.g. someone providing their views as a member of the public or the public)
- ☐ An individual acting in a professional capacity
- ☒ On behalf of an organisation
- ☐ Other

Q17 Please specify

Q18 Please specify

BMW Group of Companies in the UK

Q19 Please specify

Thank you for taking the time to share your views and experience.